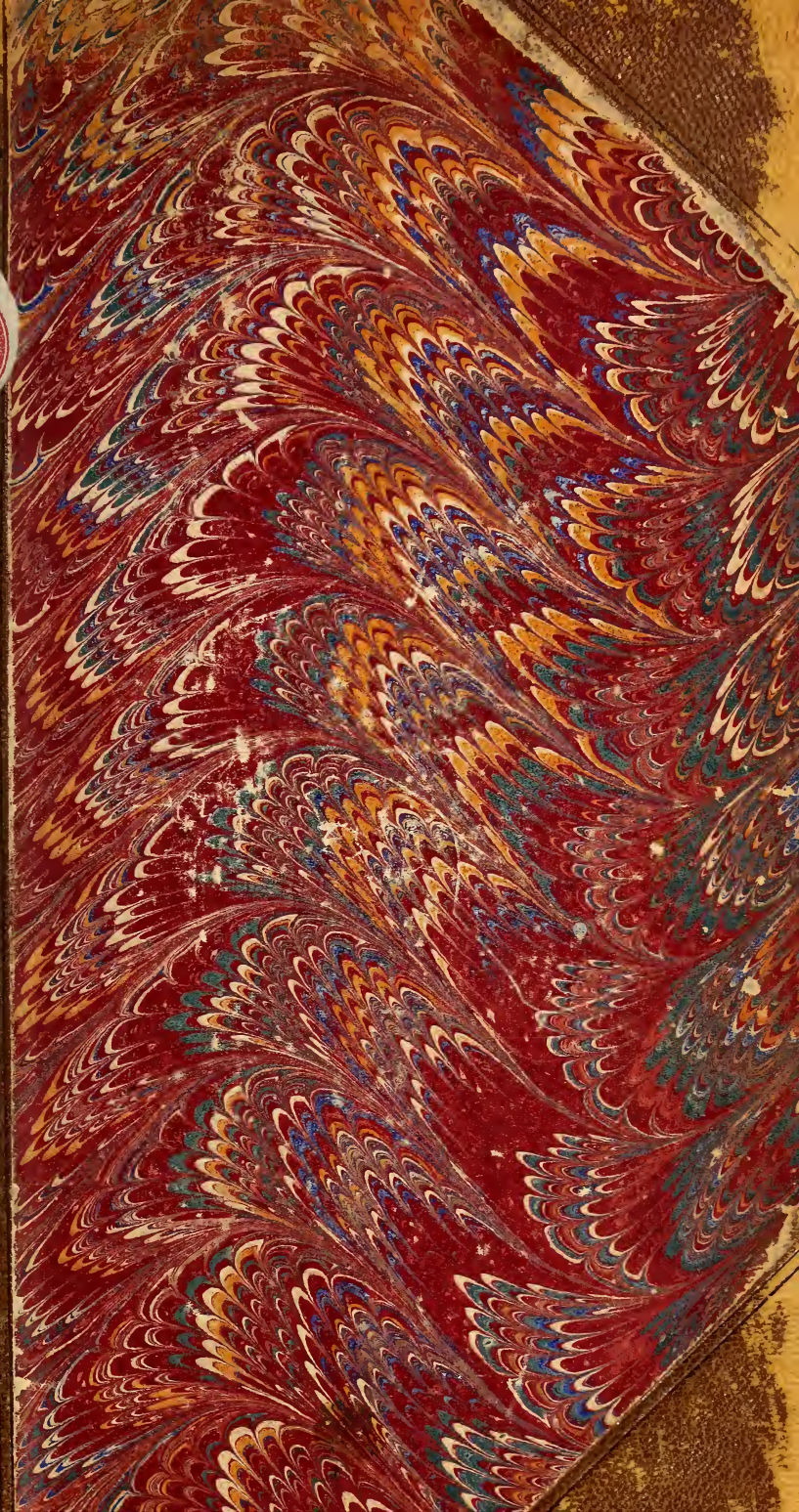


E
447
C452



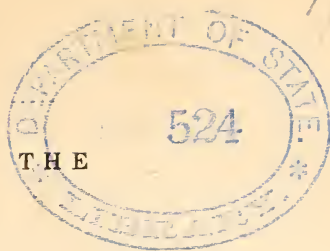


Class E 447

Book C 452







DUTY OF THE FREE STATES,

OR,

REMARKS SUGGESTED BY THE

CASE OF THE CREOLE.

BY WILLIAM E. CHANNING.

LONDON:

JOHN GREEN, 121, NEWGATE STREET.

1842.

E 447
.C 452

Library of Congress
By transfer from
State Department.

MAY 9 1925

R E M A R K S,

8c. 8c.

I RESPECTFULLY ask your attention, fellow citizens of the Free States, to a subject of great and pressing importance. The case of the Creole, taken by itself, or separated from the principles which are complicated with it, however it might engage my feelings, would not have moved me to the present address. I am not writing to plead the cause of a hundred or more men, scattered through the West Indies, and claimed as slaves. In a world abounding with so much wrong and woe, we at this distance can spend but a few thoughts on these strangers. I rejoice that they are free; I trust that they will remain so; and with these feelings, I dismiss them from my thoughts. The case of the Creole involves great and vital principles, and as such I now invite to it your serious consideration.

The case is thus stated in the letter of the American Secretary of State to the American Minister in London:—

“ It appears that the brig Creole, of Richmond, Virginia, Ensor master, bound to New Orleans, sailed from Hampton Roads with a cargo of merchandise, principally tobacco and slaves, about one hundred and thirty-five in number. That on the evening of the 7th of November some of the slaves rose upon the crew of the vessel, murdered a passenger named Hewell, who owned some of the negroes, wounded the captain dangerously, and the first mate and two of the crew severely. That the slaves soon obtained complete possession of the brig, which under their direction was taken into the port of Nassau, in the Island of New Providence, where she arrived on the morning of the 9th of the same month: that at the request of the American Consul in that place, the Governor ordered a guard on board, to prevent the escape of the mutineers, and with a view to an investigation of the circumstances of the case: that such investigation was accordingly made by two British magistrates, and that an examination also took place by the Consul: that on the report of the magistrates, nine-

teen of the slaves were imprisoned by the local authorities, as having been concerned in the mutiny and murder; and their surrender to the Consul to be sent to the United States for trial for these crimes, was refused, on the ground, that the Governor wished first to communicate with the Government in England on the subject: that through the interference of the colonial authorities, and even before the military guard was removed, the greater number of the slaves were liberated, and encouraged to go beyond the power of the master of the vessel, or the American Consul, by proceedings which neither of them could control. This is the substance of the case, as stated in two protests, one made at Nassau, and one at New Orleans, and the Consul's letters, together with sundry depositions taken by him, copies of all which are herewith transmitted."

This statement of the case of the Creole is derived chiefly from the testimony of the officers and crew of the vessel, and very naturally falls under suspicion of being coloured in part by prejudice and passion. We must hear the other side, and compare all the witnesses, before we can understand the whole case. The main facts, however, cannot be misunderstood. The shipping of the slaves at Norfolk, the rising of a part of their number against the officers of the vessel, the success of the insurrection, the carrying of the vessel into the port of Nassau, and the recognition and treatment of the slaves as free by the British authorities of that place,—these material points of the case cannot be questioned.

The letter of our government, stating these facts as grounds of complaint against England, is written with much caution; and seems wanting in the tone of earnestness and confidence which naturally belongs to a good cause. It does not go to the heart of the case. It relies more on the comity of nations, than on principles of justice and natural law. Still, in one respect, it is decided. It protests against, and complains of, the British authorities, and "calls loudly for redress." It maintains, that "it was the plain and obvious duty" of the authorities at Nassau to give aid and succour to the officers of the Creole in reducing the slaves to subjection, in resuming their voyage with their cargo of men as well as of tobacco, and in bringing the insurgents to trial in this country. It maintains, that the claims of the American masters to their slaves existed, and were in force in the British port, and that these claims ought to have been acknowledged and sustained by the British magistrate. The

plain inference is, that the government of the United States is bound to spread a shield over American slavery abroad as well as at home. Such is the letter.

This document I propose to examine, and I shall do so chiefly for two reasons: First, because it maintains morally unsound and pernicious doctrines, and is fitted to deprave the public mind; and secondly, because it tends to commit the free States to the defence and support of slavery. This last point is at this moment of peculiar importance. The free States are gradually and silently coming more and more into connection with slavery; are unconsciously learning to regard it as a national interest; and are about to pledge their wealth and strength, their bones and muscles and lives, to its defence. Slavery is mingling more and more with the politics of the country; determining more and more the individuals who shall hold office, and the great measures on which the public weal depends. It is time for the free States to wake up to the subject; to weigh it deliberately; to think of it, not casually, when some startling fact forces it up into notice, but with earnest, continued, solemn attention; to inquire into their duties in regard to it; to lay down their principles; to mark out their course; and to resolve on acquitting themselves righteously towards God, towards the South, and towards themselves. The North has never come to this great matter in earnest. We have trifled with it. We have left things to take their course. We have been too much absorbed in pecuniary interests, to watch the bearing of slavery on the government. Perhaps we have wanted the spirit, the manliness, to look the subject fully in the face. Accordingly, the slave-power has been allowed to stamp itself on the national policy, and to fortify itself with the national arm. For the pecuniary injury to our prosperity which may be traced to this source, I care little or nothing. There is a higher view of the case. There is a more vital question to be settled than that of interest—the question of duty; and to this my remarks will be confined.

The letter which is now to be examined, may be regarded either as the work of an individual, or as the work of the government. I shall regard it in the latter light alone. Its personal bearings are of no moment. No individual will

enter my thoughts in this discussion. I regard the letter as issuing from the cabinet, as an executive document, as laying down the principles to which the public policy is in danger of being conformed, as fitted to draw the whole country into support of an institution which the free States abhor. With the opinions of an individual I have nothing to do. Corrupt principles adopted by the government—these, and these alone, it will be my object to expose.

There is a difficulty lying at the threshold of such a discussion, which I should be glad to remove. A northern man writing on slavery is supposed to write as a northern man, to be swayed by state feelings and local biases; and the distrust thus engendered is a bar to the conviction which he might otherwise produce. But the prejudices which grow out of the spot where we live are far from being necessary or universal. There are persons whose peculiarity, perhaps whose infirmity it is, to be exceedingly alive to evils in their neighbourhood, to defects in the state of society in which they live, whilst their imaginations are apt to cast rosy hues over distant scenes. There are persons who, by living in retirement, and holding intercourse with gifted minds in other regions, are even in danger of wanting a proper local attachment, and of being unjust to their own homes. There are also worthier causes, which counteract the bigotry of provincial feelings. A man, then, is not necessarily presumptuous in thinking himself free from local biases. In truth, slavery never presents itself to me as belonging to one or another part of the country. It does not come to me in its foreign relations. I regard it simply and nakedly in itself, and, on this account, feel that I have a right to discuss it.

May I be allowed one more preliminary remark. The subject of slavery is separated in my mind, not only from local considerations, but from all thought of the individuals by whom it is sustained. I speak against this institution freely, earnestly, some may think vehemently; but I have no thought of attaching the same reproach to all who uphold it; and this I say, not to propitiate the slaveholder, who cannot easily forgive the irreconcilable enemy of his wrongdoing, but to meet the prepossessions of not a few among

ourselves, who from esteem towards the slaveholder, repel what seems to them to involve an assault on his character. I do indeed use, and cannot but use, strong language against slavery. No greater wrong, no grosser insult on humanity, can well be conceived; nor can it be softened by the customary plea of the slaveholder's kindness. The first and most essential exercise of love towards a human being, is to respect his Rights. It is idle to talk of kindness to a human being, whose rights we habitually trample under foot. "Be just before you are generous." A human being is not to be loved as a horse or a dog, but as a being having rights; and his first grand right is that of free action; the right to use and expand his powers; to improve and obey his higher faculties; to seek his own and others' good; to better his lot; to make himself a home; to enjoy inviolate the relations of husband and parent; to live the life of a man. An institution denying to a being this right, and virtually all rights; which degrades him into a chattel, and puts him beneath the level of his race, is more shocking to a calm, enlightened philanthropy, than most of the atrocities which we shudder at in history; and this for a plain reason. These atrocities, such as the burning of heretics, and the immolation of the Indian woman on the funeral pile of her husband, have generally some foundation in ideas of duty and religion. The inquisitor murders to do God service; and the Hindoo widow is often fortified against the flames by motives of inviolable constancy and generous self-sacrifice. The Indian in our wilderness, when he tortures his captives, thinks of making an offering, of making compensation, to his own tortured friends. But in slavery, man seizes his brother, subjects him to brute force, robs him of all his rights, for purely selfish ends—as selfishly as the robber fastens on his prey. No generous affections, no ideas of religion and self-sacrifice, throw a gleam of light over its horrors. As such, I must speak of slavery, when regarded in its own nature, and especially when regarded in its origin. But when I look on a community among whom this evil exists, but who did not originate it; who grew up in the midst of it; who connect it with parents and friends; who see it intimately entwined with the whole system of domestic, social, industrial, and

political life; who are blinded by long habit to its evils and abuses; and who are alarmed by the possible evils] of the mighty change involved in its abolition,—I shrink from passing on such a community the sentence which is due to the guilty institution. All history furnishes instances of vast wrongs inflicted, of cruel institutions upheld by nations or individuals, who in other relations manifest respect for duty. That slavery has a blighting moral influence where it exists, is indeed unquestionable; but in that bad atmosphere, so much that is good and pure may and does grow up, as to forbid us to deny esteem and respect to a man, simply because he is a slaveholder. I offer these remarks because I wish that the subject may be approached without the association of it with individuals, parties, or local divisions, which blind the mind to the truth.

I now return to the executive document with which I began. I am first to consider its doctrines, to show their moral unsoundness and inhumanity; and then I shall consider the bearing of these doctrines on the free States in general, and the interest which the free States] have at this critical moment in the subject of slavery. Thus my work divides itself into two parts, the first of which is now offered to the public.

In regard to the reasonings and doctrines of the document, it is a happy circumstance, that they come within the comprehension of the mass of the people. The case of the Creole is a simple one, which requires no extensive legal study to be understood. A man who has had little connection with public affairs, is as able to decide on it as the bulk of politicians. The elements of the case are so few, and the principles on which its determination rests, are so obvious, that nothing but a sound moral judgment is necessary to the discussion. Nothing can darken it but legal subtlety. None can easily doubt it, but those who surrender conscience and reason to arbitrary rules.

The question between the American and English governments turns mainly on one point. The English government does not recognize within its bounds, any property in man. It maintains, that slavery rests wholly on local municipal legislation; that it is an institution not sustained and

enforced by the law of nature, and still more, that it is repugnant to this law ; and that of course, no man who enters the territory or is placed under the jurisdiction of England, can be regarded as a slave, but must be treated as free. The law creating slavery, it is maintained, has, and can have, no force beyond the State which creates it. No other nation can be bound by it. Whatever validity this ordinance, which deprives a man of all his rights, may have within the jurisdiction of the community in which it had its birth, it can have no validity any where else. This is the principle on which the English government founds itself.

This principle is so plain, that it has been established and is acted upon, among ourselves, and in the neighbouring British provinces. When a slave is brought by his master into Massachusetts, he is pronounced free, on the ground that the law of slavery has no force beyond the State which ordains it, and that the right of every man to liberty is recognised as one of the fundamental laws of the commonwealth. A slave flying from his master to this commonwealth is indeed restored, but not on account of the validity of the legislation of the South on this point, but solely on the ground of a positive provision of the constitution of the United States ; and he is delivered, not as a slave but as a “ person held to service by law in another State.” We should not think for a moment of restoring a slave flying to us from Cuba or Turkey. We recognize no right of a foreign master on this soil. The moment he brings his slave here, his claim vanishes into air ; and this takes place because we recognise freedom as the right of every human being.

By the provision of the constitution, as we have said, the fugitive slave from the South is restored by us, or at least his master's claim is not annulled. But we have proof at our door, that this exception rests on positive, not natural law. Suppose the fugitive to pass through our territory undiscovered, and to reach the soil of Canada. The moment he touches it, he is free. The master finds there an equal in his slave. The British authority extends the same protection over both. Accordingly, a colony of fugitive slaves is growing up securely, beyond our border, in the enjoyment of all the rights of British subjects. And this good work has been

going on for years, without any complaint against England as violating national law, or without any claim for compensation. These are plain facts. We ourselves construe the law of nature and nations as England does.

But the question is not to be settled on the narrow ground of precedent alone. Let us view it in the light of eternal universal truth. A grand principle is involved in the case, or rather lies at its very foundation, and to this I ask particular attention. This principle is, that a man, as a man, has rights, has claims on his race, which are in no degree touched or impaired on account of the manner in which he may be regarded or treated by a particular clan, tribe, or nation of his fellow creatures. A man, by his very nature, as an intelligent, moral creature of God, has claims to aid and kind regard from all other men. There is a grand law of humanity, more comprehensive than all others, and under which every man should find shelter. He has not only a right, but is bound to use freely and improve the powers which God has given him; and other men, instead of obstructing, are bound to assist their development and exertion. These claims a man does not derive from the family or tribe in which he began his being. They are not the growth of a particular soil; they are not ripened under a peculiar sky; they are not written on a particular complexion; they belong to human nature. The ground on which one man asserts them, all men stand on, nor can they be denied to one without being denied to all. We have here a common interest. We must all stand or fall together. We all have claims on our race, claims of kindness and justice, claims grounded on our relation to our common Father, and on the inheritance of a common nature.

Because a number of men invade the rights of a fellow-creature, and pronounce him destitute of rights, his claims are not a whit touched by this. He is as much a man as before. Not a single gift of God, on which his rights rest, is taken away. His relations to the rest of his race are in no measure affected. He is as truly their brother as if his tribe had not pronounced him a brute. If, indeed, any change takes place, his claims are enhanced, on the ground that the suffering and injured are entitled to peculiar regard. If any rights

should be singularly sacred in our sight, they are those which are denied and trodden in the dust.

It seems to be thought by some, that a man derives all his rights from the nation to which he belongs. They are gifts of the State, and the State may take them away, if it will. A man, it is thought, has claims on other men, not as a man, but as an Englishman, an American, or a subject of some other State. He must produce his parchment of citizenship, before he binds other men to protect him, to respect his free agency, to leave him the use of his powers according to his own will. Local municipal law is thus made the fountain and measure of rights. The stranger must tell us where he was born, what privileges he enjoyed at home, or no tie links us to one another.

In conformity to these views, it is thought that when one community declares a man to be a slave, other communities must respect this decree: that the duties of a foreign nation to an individual are to be determined by a brand set on him on his own shores; that his relations to the whole race may be affected by the local act of a community, no matter how small or how unjust.

This is a terrible doctrine. It strikes a blow at all the rights of human nature. It enables the political body to which we belong, no matter how wicked or weak, to make each of us an outcast from his race. It makes a man nothing in himself. As a man, he has no significance. He is sacred only as far as some State has taken him under its care. Stripped of his nationality, he is at the mercy of all who may incline to lay hold on him: he may be seized, imprisoned, sent to work in galleys or mines, unless some foreign State spreads its shield over him as one of its citizens.

This doctrine is as false as it is terrible. Man is not the mere creature of the State. Man is older than nations, and he is to survive nations. There is a law of humanity more primitive and divine than the law of the land. He has higher claims than those of a citizen: he has rights which date before all charters and communities; not conventional, not repealable, but as eternal as the powers and laws of his being.

This annihilation of the individual, by merging him in the

State, lies at the foundation of despotism. The nation is too often the grave of the man. This is the more monstrous, because the very end of the State, of the organization of the nation, is to secure the individual in all his rights, and especially to secure the rights of the weak. Here is the fundamental idea of political association. In an unorganized society, with no legislation, no tribunal, no umpire, rights have no security. Force predominates over right. This is the grand evil of what is called the state of nature. To repress this, to give right the ascendancy over force, this is the grand idea and end of government, of country, of political constitutions. And yet we are taught that it depends on the law of a man's country, whether he shall have rights, and whether other States shall regard him as a man. When cast on a foreign shore, his country, and not his humanity, is to be inquired into, and the treatment he receives is to be proportioned to what he meets at home.

Men worship power, worship great organizations, and overlook the individual; and few things have depraved the moral sentiment of men more, or brought greater woes on the race. The State, or the ruler in whom the State is embodied, continues to be worshipped, notwithstanding the commission of crimes which would inspire horror in the private man. How insignificant are the robberies, murders, piracies, which the law makes capital, in comparison with an unjust or unnecessary war, dooming thousands, perhaps millions, of the innocent to the most torturing forms of death, or with the law of an autocrat or of a public body, depriving millions of all the rights of men! But these, because the acts of the State, escape the execrations of the world.

In consequence of this worship of governments, it is thought that their relations to one another are alone important. A government is too great to look at a stranger, except as he is incorporated with some State. It can have nothing to do but with political organizations like itself. But the humble stranger has a claim on it as sacred as another State. Standing alone, he yet has rights, and to violate them is as criminal as to violate stipulations with a foreign power. In one view it is baser. It is as true of governments as of individuals, that it is base and unmanly to trample on the weak. He

who invades the strong shows a courage which does something to redeem his violence; but to tread on the neck of a helpless, friendless fellow-creature, is to add meanness to wrong.

If the doctrine be true, that the character impressed on a man at home follows him abroad, and that he is to be regarded not as a man, but as the local laws which he has left regard him, why shall not this apply to the peculiar advantages as well as disadvantages which a man enjoys in his own land? Why shall not he, whom the laws invest with a right to universal homage at home, receive the same tribute abroad? Why shall not he, whose rank exempts him from the ordinary restraints of law on his own shores, claim the same lawlessness elsewhere? Abroad, these distinctions avail him nothing. The local law which makes him a kind of deity deserts him the moment he takes a step beyond his country's borders; and why shall the disadvantages, the terrible wrongs, which that law inflicts, follow the poor sufferer to the end of the earth?

I repeat it, for the truth deserves reiteration, that all nations are bound to respect the rights of every human being. This is God's law, as old as the world. No local law can touch it. No ordinance of a particular State, degrading a set of men to chattels, can absolve all nations from the obligation of regarding the injured beings as men, or bind them to send back the injured to their chains. The character of a slave, attached to a man by a local government, is not and cannot be incorporated into his nature. It does not cling to him, go where he will. The scar of slavery on his back does not reach his soul. The arbitrary relation between him and his master cannot suspend the primitive indestructible relation by which God binds him to his kind.

The idea that a particular State may fix enduringly this stigma on a human being, and can bind the most just and generous men to respect it, should be rejected with scorn and indignation. It reminds us of those horrible fictions, in which some demon is described as stamping an indelible mark of hell on his helpless victims. It was the horrible peculiarity of the world in the reign of Tiberius, that it had become one vast prison. The unhappy man, on whom the

blighting suspicion of the tyrant had fallen, could find no shelter or escape through the whole civilized regions of the globe. Every where his sentence followed him like fate. And can the law of a despot, or of a chamber of despots, extend now the same fearful doom to the ends of the earth? Can a little State at the South spread its web of cruel, wrongful legislation over both continents? Do all communities become spell-bound by a law in a single country creating slavery? Must they become the slave's jailers? Must they be less merciful than the storm which drives off the bondman from the detested shore of servitude, and casts him on the soil of freedom? Must even that soil become tainted by an ordinance passed perhaps in another hemisphere? Has oppression this terrible omnipresence? Must the whole earth register the slaveholder's decree? Then the earth is blighted indeed. Then, as some ancient sects taught, it is truly the empire of the Principle of Evil, of the power of Darkness. Then God is dethroned here; for where injustice and oppression are omnipotent, God has no empire.

I have thus stated the great principle on which the English authorities acted in the case of the Creole, and on which all nations are bound to act. Slavery is the creature of a local law, having power not a hand-breadth beyond the jurisdiction of the country which ordains it. Other nations know nothing of it, are bound to pay it no heed. I might add that other nations are bound to tolerate it within the bounds of a particular State, only on the grounds on which they suffer a particular State to establish bloody superstitions, to use the rack in jurisprudence, or to practise other enormities. They might much more justifiably put down slavery where it exists, than enforce a foreign slave code within their own bounds. Such is the impregnable principle which we of the free States should recognize and earnestly sustain.*

This principle our government has not explicitly denied in its letter to our minister in London. The letter is chiefly employed in dilating on various particular circumstances, which it is said entitled the Creole to assistance from the British authorities, in the prosecution of the voyage with her original freight and passengers. The strength of the docu-

* See NOTE A.

ment lies altogether in the skilful manner in which these circumstances are put together. I shall therefore proceed to consider them with some minuteness. They are briefly these. The vessel was engaged in a voyage "perfectly lawful." She was taken to a British port, "not voluntarily by those who had the lawful authority over her," but forcibly and violently "against the master's will," without any agency or solicitation on the part of the great majority of the slaves, and indeed solely by the few "mutineers" who had gained possession of her by violence and bloodshed. The slaves were "still on board" the American vessel. They had not become "incorporated with the English population;" and from these facts it is argued, that they had not changed their original character, that the vessel containing them ought to have been regarded as "still on her voyage," and should have been aided to resume it according to that law of comity and hospitality by which nations are bound to aid one another's vessels in distress.

It is encouraging to see in this reasoning of the letter a latent acknowledgment, that, had the vessel been carried with the slaves into the British port by the free will of the captain, the slaves would have been entitled to liberty. The force and crime involved in the transaction, form the strength of the case as stated by ourselves. The whole tone of the communication undesignedly recognizes important rights in a foreign State, in regard to slaves carried voluntarily to their shores; and by this concession, it virtually abandons the whole ground.

But let us look at the circumstances which, it is said, bound the British authorities to assist the captain in sending back the slaves to their chains; and one general remark immediately occurs. These circumstances do not touch, in the slightest degree, the great principle on which the authorities were bound by British and natural law to act. This principle, as we have stated, is, that a nation is bound by the law of nature to respect the rights of every human being, that every man within its jurisdiction is entitled to its protection as long as he obeys its laws, that the private individual may appeal to the broad law of humanity, and claim hospitality, as truly as a State.

Now how did the peculiar circumstances of the Creole bear on this fundamental view of the case? Did the manner in which the slaves of the Creole were carried to Nassau in any measure affect their character as men? Did they cease to be men, because the ship was seized by violence, the captain imprisoned, and the vessel turned from its original destination? Did the shifting of the vessel's course by a few points of the compass, or did the government of the helm by a "mutineer," transmute a hundred or more men into chattels? To the eye of the British officer, the slaves looked precisely as they would have done had they been brought to the island by any other means. He could see nothing but human beings, and no circumstances leaving this character on them, could have authorised him to deny them human rights. It mattered nothing to him how they came to the island; for this did not touch at all the ground of their claim to protection.

A case indeed is imagined in the document, in which it is said that the manner of transportation of slaves to a foreign port must determine the character in which they shall be viewed. "Suppose an American vessel with slaves lawfully on board, were to be captured by a British cruiser, as belonging to some belligerent, while the United States were at peace; suppose such prize carried into England, and the neutrality of the vessel fully made out in the proceedings in Admiralty, and a restoration consequently decreed; in such case, must not the slaves be restored exactly in the condition in which they were when the capture was made? Would any one contend, that the fact of their having been carried into England by force, set them free?" I reply, undoubtedly they would be free the moment they should enter English jurisdiction. A writ of *habeas corpus* could and would and must be granted them, if demanded by themselves or their friends, and no court would dare to remit them to their chains; and this is not only English law, but in the spirit of universal law. In this case, however, compensation would undoubtedly be made by the captors for the slaves, not on the ground of any claim in the slave-holder, but because of the original wrong by the captors, and of their consequent obligation to replace the

vessel, as much as possible, in the condition in which she was found, at the moment of being seized on the open ocean, where she was captured on groundless suspicion, where she had a right to prosecute her voyage without obstruction, and whence she ought not to have been brought by the capturing State within its jurisdiction, and made subject to its laws.

Let us now consider particularly the circumstances on which the United States maintain that the British authorities were bound to replace the slaves under the master of the Creole, and violated their duty in setting them free.

It is insisted, first, that "the Creole was passing from one port to another in a voyage *perfectly lawful*." We cannot but lament that to sustain this point of the *lawfulness* of the voyage, it is affirmed that "slaves are recognized as property by the constitution of the United States in those States in which slavery exists." Were this true, it is one of those truths which respect for our country should prevent our intruding on the notice of strangers. A child should throw a mantle over the nakedness of his parent. But the language seems to me stronger than the truth. The constitution was intended not to interfere with the laws of property in the States where slaves had been held. But the recognition of a moral right in the slaveholder is most carefully avoided in that instrument. Slaves are three times referred to, but always as *persons*, not as *property*. The free States are indeed bound to deliver up fugitive slaves; but these are to be surrendered, not as slaves, but as "persons held to service." The clause applies as much to fugitive apprentices from the North, as to fugitive slaves from the South. The history of this clause is singular. In the first draught of the constitution it stood thus:—"No person legally held to service or labour in one State, escaping into another, shall in consequence of any law or regulation thereof, be discharged from such service or labour, but shall be delivered up," &c. Mr. Madison tells us that the term "legally" was struck out, and the words "under the laws thereof," were inserted after the word "State," in compliance with the wish of some, "who thought the term *legal* equivocal, and favouring the idea that

slavery was *legal in a moral point of view.*”* It ought also to be added, that in the debate in the convention on that clause of the constitution which conferred power on Congress to abolish the importation of slaves in 1808, “Mr. Madison thought it wrong to admit in the constitution the idea that there be property in men.”† Most memorable testimony to the truth from this greatest constitutional authority! With the knowledge of these facts, our government had no apology for holding up the great national charter as recognizing property in man. The phraseology and history of the constitution afford us some shelter, however insufficient, from the moral condemnation of the world : and we should not gratuitously cast it away.

Whilst, however, we censure this clause in the Executive Document, we rejoice that on one point it is explicit. It affirms that “slaves are recognized as property by the constitution of the United States, *in those States in which slavery exists.*” Here we have the limit precisely defined, within which the constitution spreads its shield over slavery. These limits are “the States in which slavery exists.” Beyond these it recognizes no property in man, and of course beyond these it cannot take this property under its protection. The moment the slave leaves the States within which slavery exists, the constitution knows nothing of him as property. Of consequence, the national government has no right to touch the case of the Creole. As soon as that vessel passed beyond the jurisdiction of the State where she received her passengers, the slaves ceased to be property in the eye of the constitution. The national authorities were no longer bound to interfere with and to claim them as such. The nation’s force was no longer pledged to subject them to their masters. Its relation to them had wholly ceased. On this point we are bound to adopt the strictest construction of the instrument. The free States should not suffer themselves to be carried a hair’s breadth beyond the line within which they are pledged to the dishonourable office of protecting slavery.

But, leaving this clause, I return to the first consideration adduced to substantiate the claim of the Creole to the

* Madison papers, p. 1589.

† Ditto, p. 1469.

assistance of the British authorities. The voyage, we are told, was "perfectly lawful." Be it so. But this circumstance, according to the principles of the free States, involves no obligation of another community to enforce slavery or to withhold from the slave the rights of a man. Suppose that the Creole had sailed to Massachusetts with her slaves. The voyage would have been "lawful;" but on entering the port of Boston her slaves would have been pronounced free. The "right of property" in them conferred by a slave State would have ceased. The lawfulness of the voyage, then, gives the slaveholder no claim on another government, into the ports of which his slave may be carried.

Again, what is meant by the "perfect lawfulness" of the voyage? Does it mean that the Creole shipped the slaves under the law of nature or the law of Great Britain? Certainly not; but solely under the law of America; so that the old question recurs, whether a local municipal law, authorizing an American vessel to convey slaves, binds all nations to whose territory these unhappy persons may be carried, to regard them as property, to treat them as the Parias of the human race? This is the simple question, and one not hard of solution.

"The voyage was perfectly lawful," we are told. So would be the voyage of a Turkish ship freighted with Christian slaves from Constantinople. Suppose such a vessel driven by storms or carried by force into a Christian port. Would any nation in Europe, or would America, feel itself bound to assist the Turkish slaver, to replace the chains on Christian captives whom the elements or their own courage had set free, to sacrifice to the comity and hospitality and usages of nations, the law of humanity and Christian brotherhood?

"The voyage," we are told, "was perfectly lawful." Suppose now that a slaveholding country should pass a law ordaining and describing a chain as a badge of bondage, and authorizing the owner to carry about his slave fastened to himself by this sign of property. Suppose the master to go with slave and chain to a foreign country. His journey would be "lawful;" but would the foreign government be bound to respect this ordinance of the distant State? Would the authorized chain establish property in the slave over the

whole earth? We know it would not; and why should the authorized vessel impose a more real obligation?

It seems to be supposed by some that there is a peculiar sacredness in a vessel, which exempts it from all control in the ports of other nations. A vessel is sometimes said to be "an extension of the territory" to which it belongs. The nation, we are told, is present in the vessel; and its honour and rights are involved in the treatment which its flag receives abroad. These ideas are in the main true in regard to ships on the high seas. The sea is the exclusive property of no nation. It is subject to none. It is the common and equal property of all. No State has jurisdiction over it. No State can write its laws on that restless surface. A ship at sea carries with her and represents the rights of her country, rights equal to those which any other enjoys. The slightest application of the laws of another nation to her is to be resisted. She is subjected to no law but that of her own country, and to the law of nations, which presses equally on all States. She may thus be called, with no violence to language, an extension of the territory to which she belongs. But suppose her to quit the open sea and enter a port. What a change is produced in her condition! At sea she sustained the same relations to all nations, those of an equal. Now she sustains a new and peculiar relation to the nation which she has entered. She passes at once under its jurisdiction. She is subject to its laws. She is entered by its officers. If a criminal flies to her for shelter, he may be pursued and apprehended. If her own men violate the laws of the land, they may be seized and punished. The nation is not present in her. She has left the open highway of the ocean, where all nations are equals, and entered a port where one nation alone is clothed with authority. What matters it that a vessel in the harbour of Nassau is owned in America? This does not change her locality. She has contracted new duties and obligations by being placed under a new jurisdiction. Her relations differ essentially from those which she sustained at home or on the open sea. These remarks apply of course to merchant vessels alone. A ship of war is "an extension of the territory" to which she belongs, not only when she is on the ocean, but in a foreign port. In this respect she

resembles an army marching by consent through a neutral country. Neither ship of war nor army falls under the jurisdiction of foreign States. Merchant vessels resemble individuals. Both become subject to the laws of the land which they enter.

We are now prepared to consider the next circumstance, on which much stress is laid, to substantiate the claim of our government. "The vessel was taken to a British port, not voluntarily by those who had the lawful authority over her, but forcibly and violently, against the master's will, by mutineers and murderers," &c.

To this, various replies are contained in the preceding remarks. The first is, that the local laws of one country are not transported to another, and do not become of force there, because a vessel of the former is carried by violence into the ports of the latter. Another is, that a vessel entering the harbour of a foreign State, through mutiny or violence, is not on this account exempted from its jurisdiction or laws. She may not set its authorities at defiance, because brought within its waters against her own will. There may indeed be local laws, intended to exclude foreigners, which it would be manifestly unjust and inhuman to enforce on such as may be driven to the excluding State against their own consent. But as to the laws of a country founded on the universal principles of justice and humanity, these are binding on foreign vessels, under whatever circumstances they may be brought within its jurisdiction. There is still another view of this subject, which I have already urged, but which is so important, as to deserve repetition. The right of the slaves of the Creole to liberation was not at all touched by the mode in which they were brought to Nassau. No matter how they got there, whether by sea, land, or air, whether by help of saint or sinner. A man's right to freedom is derived from none of these accidents, but inheres in him as a man, and nothing which does not touch his humanity can impair it. The slaves of the Creole were not a whit the less men, because "mutiny" had changed their course on the ocean. They stood up in the port of Nassau with all the attributes of men, and the government could not, without wrong, have denied their character and corresponding claims.

We are now prepared for the consideration of another circumstance in the case of the Creole, on which stress is laid. We are told by our government that they were "still in the ship," when they were declared free, and on this account their American character, that is, the character of slavery, adhered to them. This is a view of the case, more fitted perhaps than any other, to impress the inconsiderate. The slaves had not changed their position, had not touched the shore; the vessel was American; they trod on American planks; they slept within American walls; they of course belonged to America, and were to be viewed only in their American character. To this reasoning the principles already laid down furnish an easy answer. It is true that the slaves were in an American ship: but there is another truth, still more pregnant, they were also in another country, where American law has no power. The vessel had not carried America to the port of Nassau. The slaves had changed countries. What though they were there in an American ship? They were therefore not the less within English territory and English jurisdiction. The two or three inches of plank, which separated them from the waves, had no miraculous power to prevent them from being where they were. The water which embosomed the vessel was English. The air they breathed was English. The laws under which they had passed were English. One would think from the reasoning to which I am replying, that the space occupied by a vessel in a foreign port is separated for a time from the country to which it formerly belonged; that it takes the character of the vessel, and falls under the laws of the land to which she appertains; that the authorities which have controlled it for ages must not enter it, whilst the foreign planks are floating in it, to repress crime or enforce justice. But this is all a fiction. The slaves, whilst in the ship, were in a foreign country, as truly as if they had plunged into the waves or set foot on shore.

We will now consider another circumstance to which importance is attached in the Document of our Executive. We are told that "the slaves could not be regarded as having become mixed up or incorporated with the British population, or as having changed character at all, either in regard to

country or personal condition." To this it is replied, that no one pretends that the slaves had become Englishmen, or had formed a special relation to Great Britain, on account of which she was compelled to liberate them. It was not as a part of the British population that they were declared free. Had the authorities at Nassau taken this ground, they might have been open to the complaints of our government. The slaves were pronounced free, not because of any national character which they sustained, but because they were men, and because Great Britain held itself bound to respect the law of nature with regard to men. It was not necessary for them to be incorporated with the British population in order to acquire the common rights of human beings. One great error in the Document is, that a government is supposed to owe nothing to a human being who lands on its shores, any farther than his nation may require. It is thought to have nothing to do, but to inquire into his nationality and to fulfil the obligations which this imposes. He has no rights to set up, unless his own government stand by him. Thus the fundamental principles of the law of nature are set at nought. Thus all rights are resolved into benefactions of the State, and man is nothing, unless incorporated, mixed up with the population of a particular country. This doctrine is too monstrous to be openly avowed, but it lies at the foundation of most of the reasonings of the Document. The man, I repeat it, is older and more sacred than the citizen. The slave of the Creole had no other name to take: his own country had declared him not to be a citizen: he had been scornfully refused a place among the American people: he was only a man; and was that a low title on which to stand up among men? Nature knows no higher on earth. English law knows no higher. Shall we find fault with a country, because an outcast man landing on its shore is declared free without the formality of becoming incorporated with its population?

The slaves, we are told in the argument which we are considering, as they had no claim to be considered as mixed up with the British population, had not therefore changed their character either in regard to "country or condition." The old sophistry reigns here. It is taken for granted, that a

man has no character but that of country and condition. In other words, he must be regarded by foreign States as belonging to a particular nation, and treated according to this view, and no other. Now the truth is, that there is a primitive, indelible "character" fastened on a man, far more important than that of "country or condition;" and looking at this, I joyfully accord with our Cabinet in saying, that the slaves of the Creole did not "change their character," by touching British soil. There they stood, with the character which God impressed on them, and which man can never efface. The British authorities gave them no new character, but simply recognised that which they had worn from the day of their birth, the only one which cannot pass away.

I have now considered all the circumstances stated in the Document as grounds of complaint, with one exception, and this I have deferred on account of its uncertainty, and in the hope of obtaining more satisfactory information. The circumstance is this, "that the slaves were liberated by the interference of the colonial authorities," that these "not only gave no aid, but did actually interfere to set free the slaves, and to enable them to disperse themselves beyond the reach of the master of the vessel or their owners." This statement is taken from the protest of the captain and crew, made at New Orleans, which indeed uses much stronger language, and which charges on the British authorities much more exceptionable interference. This, as I have said, is to be suspected of exaggeration or unjust colouring, not on the ground of any peculiar falseness in the men who signed it, but because of the tendency of passion and interest to misconstrue the offensive conduct of others. But admitting the correctness of the protest, we cannot attach importance to the complaint of the Document. This insists that the English authorities "interfered to set free the slaves." I reply that the authorities did not and could not set the coloured men free, and for the plain reason, that they were in no sense slaves in the British port. The authorities found them in the first instance both legally and actually free. How then could they be liberated? They stood before the magistrates, free at the first moment. They had passed beyond the legislation of the State which had imposed their chains. They

had come under a jurisdiction which knew nothing of property in man, nothing of the relation of master and slave. As soon as they entered the British waters, the legal power of the captain over them, whatever it might have been, ceased. They were virtually "beyond his reach," even whilst on board. Of course, no act of the authorities was needed for their liberation.

But this is not all. The coloured men were not only legally free on entering the British port; they were so actually and as a matter of fact. The British authorities had not the merit of exerting the least physical power to secure to them their right to liberty. The slaves had liberated themselves. They had imprisoned the captain. They had taken the command of the vessel. The British authorities interfered, to liberate, not the coloured people, but the captain; not to uphold, but arrest "the mutineers." Their action was friendly to the officers and crew. In all this action, however, they did nothing of course to reduce the slaves a second time to bondage. Had they, in restoring the vessel to the captain, replaced directly or indirectly the liberated slaves under the yoke, they would have done so at their peril. How then could they free those whom they knew only as free? They simply declared them free, declared a matter of fact, which could not be gainsaid. If they persuaded them to leave the ship, they plainly acted in this as counsellors and friends, and exerted no official power.

It is said indeed, in the protest, that the magistrates "commanded" the slaves to go on shore. If this be true, and if the command were accompanied with any force, they indeed committed a wrong; but one, I fear, for which our government will be slow to seek redress. They wronged the liberated slaves. These were free, and owed no obedience to such a command. They had a right to stay where they were, a right to return to America; and in being compelled to go on shore, they received an injury for which our government, if so disposed, may make complaint. But the slaves alone were the injured party. The right of the owner was not violated, for he had no right. His claim was a nullity in the British port. He was not known there. The law on which he stood in his own country was there a dead letter. Who

can found on it a complaint against the British government ?

It is said that the "comity of nations" forbade this interference. But this comity is a vague unsettled law, and ought not to come into competition with the obligations of a State to injured men, thrown on its protection, and whose lives and liberties are at stake.* We must wait, however, for farther light from Nassau, to comprehend the whole case. It is not impossible that the authorities at that port exerted an undue influence, and took on themselves an undue responsibility. Among the liberated slaves, there were undoubtedly not a few so ignorant and helpless, as to be poorly fitted to seek their fortune in the West Indies, among strangers little disposed to sympathize with their sufferings, or aid their inexperience. These ought to have been assured of their liberty ; but they should have been left to follow without any kind of resistance their shrinking from an unknown shore, and their desire to return to the land of their birth, whenever these feelings were expressed.

I know not that I have overlooked any of the considerations which are urged in the Executive Document in support of our complaints against Great Britain in the case of the Creole. I have laboured to understand and meet their full force. I am sorry to have been obliged to enter into these so minutely, and to repeat what I deem true principles so often. But the necessity was laid on me. The Document does not lay down explicitly any great principle with which our claim must stand or fall. Its strength lies in the skilful suggestion of various circumstances which strike the common reader, and which must successively be examined, to show their insufficiency to the end for which they are adduced. It is possible however to give something of a general form to the opinions expressed in it, and to detect under these a general principle. This I shall proceed to do, as necessary to the full comprehension of this paper. The opinions scattered through the Document may be thus expressed : "Slaves, pronounced to be property by American law, and shipped as such, ought to be so regarded by a foreign government on whose shores they may be thrown. This government is bound

* See NOTE B.

to regard the national stamp set on them. It has no right to inquire into the condition of these persons. It cannot give to them the character or privileges of the country to which they are carried. Suppose a government to have declared opium a thing in which no property can lawfully exist or be asserted. Would it therefore have a right to take the character of property from opium, when driven in a foreign ship into its ports, and to cast it into the sea? Certainly not. Neither, because it declares that men cannot be property, can it take this character from slaves, when they are driven into its ports from a country which makes them property by its laws. They still belong to the distant claimant; his right must not be questioned or disturbed; and he must be aided in holding them in bondage, if his power over them is endangered by distress or mutiny." Such are the opinions of the Document in a condensed form, and they involve one great principle, namely this, that property is an arbitrary thing, created by governments; that a government may make anything property at its will; and that what its subjects or citizens hold as property under this sanction, must be regarded as such, without inquiry by the civilized world. According to the Document, a nation may attach the character of property to whatever it pleases; may attach it alike to men and women, beef and pork, cotton and rice; and other nations, into whose ports its vessels may pass, are bound to respect its laws in these particulars, and in case of distress to assist in enforcing them. Let our country, through its established government, declare our fathers or mothers, sons or daughters, to be property, and they become such; and the right of the master must not be questioned at home or abroad.

Now this doctrine, stated in plain language, needs no laboured refutation; it is disproved by the immediate testimony of conscience and common sense. Property is not an arbitrary thing, dependant wholly on man's will. It has its foundation and great laws in nature, and these cannot be violated without crime. It is plainly the intention of Providence, that certain things should be owned, should be held as property. They fulfil their end only by such appropriation. The material world was plainly made to be subjected

to human labour, and its products to be moulded by skill to human use. He who wins them by honest toil has a right to them, and is wronged when others seize and consume them. The Document supposes a government to declare, that opium is an article in which property cannot exist or be asserted, and on this ground, to wrest it from the owner, and throw it into the sea; and this it considers as a parallel case to the declaration, that property in man cannot exist. But who does not see that the parallel is absurd? The poppy, which contains the opium, is by its nature fitted and designed to be held as property. The man who rears it by his capital, industry, and skill, thus establishes a right to it, and is injured if it be torn from him, except in the special case where some higher right supersedes that of property. The poppy is not wronged by being owned and consumed. It has no intelligence, no conscience for its own direction; no destiny to fulfil by the wise use and culture of its powers. It has therefore no Rights. By being appropriated to an individual it does good, it suffers no wrong.

Here are the grounds of property. They are found in the nature of the articles so used; and where these grounds are wholly wanting, as in the case of human beings, it cannot exist or be asserted. A man was made to be an owner, not to be owned; to acquire, not to become property. He has faculties for the government of himself. He has a great destiny. He sustains tender and sacred relations, especially those of parent and husband, and with the duties and blessings of these no one must interfere. As such a being he has Rights. These belong to his very nature. They belong to every one who partakes it; all here are equal. He therefore may be wronged, and is most grievously wronged, when forcibly seized by a fellow-creature, who has no other nature and rights than his own, and seized by such an one to live for his pleasure, to be bowed to his absolute will, to be placed under his lash, to be sold, driven from home, and torn from parent, wife, and child, for another's gain. Does any parallel exist between such a being and opium? Can we help seeing a distinction between the nature of a plant and a man, which forbids their being confounded under the same character of property? Is not the distinction recognized by us in the

administration of our laws? When a man from the South brings hither his watch and trunk, is his right to them deemed a whit the less sacred, because the laws of his State cease to protect them? Do we not recognise them as his, as intuitively and cheerfully as if they belonged to a citizen of our own State? Are they not his, here and everywhere? Do we not feel that he would be wronged, were they torn from him? But when he brings a slave, we do not recognise his property in our fellow-creature. We pronounce the slave free. Whose reason and conscience do not intuitively pronounce this distinction between a man and a watch to be just?

It may be urged, however, that this is a distinction for moralists, not for governments; that if a government establishes property, however unjustly, in human beings, this is its own concern, and the concern of no other; and that articles on board its vessels must be recognized by other nations as what it declares them to be, without any question as to the morality or fitness of its measures. One nation, we are told, is not to interfere with another. I need not repeat in reply, what I have so often said, that a government has solemn duties towards every human being entering its ports, duties which no local law about property in another country can in any degree impair. I would only say, that a government is not bound in all possible cases to respect the stamp put by another government on articles transported in the vessels of the latter. The comity of nations supposes, that in all such transactions respect is paid to common sense and common justice. Suppose a government to declare cotton to be horses, to write "horse" on all the bales within its limits, and to set these down as horses in its custom-house papers; and suppose a cargo of these to enter a port where the importation of cotton is forbidden. Will the comity of nations forbid the foreign nation to question the character which has been affixed by law to the bale in the country to which they belong? Can a law change the nature of things in the intercourse of nations? Must officers be stone blind through "comity?" Would it avail anything to say, that by an old domestic institution in the exporting country, cotton was pronounced horse, and that such institution must not be

interfered with by foreigners? Now in the estimation of England and of sound morality, it is as hard to turn man into property as horses into cotton, and this estimation England has embodied in its laws. Can we expect such a country to reverence the stamp of property on men, because attached to them by a foreign land?

The Executive Document not only maintains the obligation of the English authorities to respect what the South had stamped on the slave, but maintains earnestly that "the English authorities had no right to *inquire* into the cargo of the vessel, or the condition of persons on board." Now it is unnecessary to dispute about this right; for the British authorities did not exercise it, did not need it. The truth of the case, and the whole truth, they could not help seeing, even had they wished to remain blind. Master, crew, passengers, coloured people, declared with one voice that the latter were shipped as slaves. Their character was thus forced on the government, which of course had no liberty of action in the case. By the laws of England, slavery could not be recognised within its jurisdiction. No human being could be recognised as property. The authorities had but one question to ask: Are these poor creatures men? and to solve this question no right of search was needed. It solved itself. A single glance settled the point. Of course we have no ground to complain of a busy intermeddling with cargo and persons, to determine their character by British authorities.

I have thus finished my examination of the Document, and shall conclude with some general remarks. And first, I cannot but express my sorrow at the tone of Inhumanity which pervades it. I have said at the beginning that I should make no personal strictures; and I have no thought of charging on our Cabinet any singular want of human feeling. The Document bears witness not to individual hardness of heart, but to the callousness, the cruel insensibility, which has seized the community at large. Our contact with slavery has seared in a measure almost all hearts. Were there a healthy tone of feeling among us, certain passages in this Document would call forth a burst of displeasure. For example, what an outrage is offered to humanity, in instituting

a comparison between man and opium, in treating these as having equal rights and equal sanctity, in degrading an immortal child of God to the level of a drug, in placing both equally at the mercy of selfish legislators ! To an unsophisticated man there is not only inhumanity but irreligion, in thus treating a being made in the image of God, and infinitely dear to the Universal Father.

In the same tone, the slaves, who regained their freedom by a struggle which cost the life of a white man, and by which one of their own number perished, are set down as "mutineers and murderers." Be it granted that their violence is condemned by the Christian law: be it granted that the assertion of our rights must not be stained with cruelty: that it is better for us to die slaves, than to inflict death on our oppressor: but is there a man, having a manly spirit, who can withhold all sympathy and admiration from men, who having grown up under the blighting influence of slavery, yet had the courage to put life to hazard for liberty? Are freemen slow to comprehend and honour the impulse, which stirs men to break an unjust and degrading chain? Would the laws of any free State pronounce the taking of life in such a case "murder?" Because a man, under coercion, whilst on his way to a new yoke, and in the act of being carried by force from wife and children and home, sheds blood to escape his oppressor, is he to be confounded with the vilest criminals? Does a republic, whose heroic age was the Revolution of 1776, and whose illustrious men earned their glory in a sanguinary conflict for rights, find no mitigation of this bloodshed, in the greater wrongs to which the slave is subjected? This letter would have lost nothing of its force, it would at least have shown better taste, had it consulted humanity enough to be silent about "opium" and "murder."

I cannot refrain from another view of the Document. This declaration of national principles cannot be too much lamented and disapproved, for the dishonour it has brought on our country. It openly arrays us as a people against the cause of human freedom. It throws us in the way of the progress of liberal principles through the earth. The grand distinction of our Revolution was, that it not only secured

the independence of a single nation, but asserted the rights of mankind. It gave to the spirit of freedom an impulse which, notwithstanding the dishonour cast on the cause by the excesses of France, is still acting deeply and broadly on the civilized world. Since that period, a new consciousness of what is due to a human being has been working its way. It has penetrated into despotic States. Even in countries where the individual has no constitutional means of controlling government, personal liberty has a sacredness and protection never known before. Among the triumphs of this spirit of freedom and humanity, one of the most signal is the desire to put an end to slavery. The cry for Emancipation swells and spreads from land to land. And whence comes the opposing cry? From St. Petersburg? From Constantinople? From the gloomy jealous cabinets of despotism? No; but from republican America! from that country whose Declaration of Independence was an era in human history! The nations of the earth are beginning to proclaim, that slaves shall not breathe their air, that whoever touches their soil shall be free. Republican America protests against this reverence for right and humanity, and summons the nations to enforce her laws against the slave. Oh, my country! hailed once as the asylum of the oppressed, once consecrated to liberty, once a name pronounced with tears of joy and hope! now a by-word among the nations, the scorn of the very subjects of despotism! How art thou fallen, morning star of freedom! And has it come to this? Must thy children blush to pronounce thy name? Must we cower in the presence of the Christian world? Must we be degraded to the lowest place among Christian nations? Is the sword, which wrought out our liberties, to be unsheathed now, to enforce the claims of slavery on foreign States? Can we bear this burning shame? Are the free States prepared to incur this infamy and crime?

“Slaves cannot breathe in England.” I learned this line when I was a boy, and in imagination I took flight to the soil which could never be tainted by slaves. Through the spirit, which spoke in that line, England has decreed that slaves cannot breathe in her islands. Ought we not to rejoice in this new conquest of humanity? Ought not the tidings

of it to have been received with beaming eyes and beating hearts? Instead of this, we demand that Humanity shall retrace her steps, and Liberty resign her trophies. We call on a great nation to abandon its solemnly pronounced conviction of duty, its solemnly pledged respect for human rights, and to do what it believes to be unjust, inhuman, and base. Is there nothing of insult in such a demand? This case is no common one. It is not a question of policy, not an ordinary diplomatic concern. A whole people, from no thought of policy, but planting itself on the ground of justice and of Christianity, sweeps slavery from its soil, and declares that no slave shall tread there. This profound religious conviction, in which all Christian nations are joining her, we come in conflict with, openly and without shame. Is this an enviable position for a country which would respect itself or be respected by the world? It is idle, and worse than idle, to say, as is sometimes said, that England has no motive but policy in her movements about slavery. He who says so, talks ignorantly or recklessly. I have studied abolitionism in England enough to assure those who have neglected it, that it was the act, not of the politician, but of the people. In this respect it stands alone in history. It was a disinterested movement of a Christian nation in behalf of oppressed strangers, beginning with Christians, carried through by Christians. The government resisted it for years. The government was compelled to yield to the voice of the people. No act of the English nation was ever so national, so truly the people's act, as this. And can we hope to conquer the conscience as well as the now solemnly adopted policy of a great nation? Were England to concede this point, she would prove herself false to known, acknowledged truth and duty. Her freshest, proudest laurel would wither. The toils and prayers of her Wilberforces, Clarksons, and a host of holy men, which now invoke God's blessings on her, would be turned to her reproach and shame, and call down the vengeance of heaven.

In bearing this testimony to the spirit of the English people in the abolition of the slave trade and of slavery, nothing is farther from my mind than a disposition to defend the public policy or institutions of that country. In this case,

as in most others, the people are better than their rulers. England is one of the last countries of which I am ready to become a partisan. There must be something radically wrong in the policy, institutions and spirit of a nation, which all other nations regard with jealousy and dislike. Great Britain, with all her progress in the arts, has not learned the art of inspiring confidence and love. She sends forth her bounty over the earth, but, politically considered, has made the world her foe. Her Chinese war, and her wild extension of dominion over vast regions which she cannot rule well or retain, give reason to fear that she is falling a prey to the disease under which great nations have so often perished.

To a man who looks with sympathy and brotherly regard on the mass of the people, who is chiefly interested in the "lower classes," England must present much which is repulsive. Though a monarchy in name, she is an aristocracy in fact; and an aristocratical caste, however adorned by private virtue, can hardly help sinking an infinite chasm between itself and the multitude of men. A privileged order, possessing the chief power of the State, cannot but rule in the spirit of an order, cannot respect the mass of the people, cannot feel that for *them* government chiefly exists and ought to be administered, and that for *them* the nobleman holds his rank as a trust. The condition of the lower orders at the present moment is a mournful commentary on English institutions and civilization. The multitude are depressed in that country to a degree of ignorance, want and misery, which must touch every heart not made of stone. In the civilized world there are few sadder spectacles than the contrast, now presented in Great Britain, of unbounded wealth and luxury with the starvation of thousands and ten thousands, crowded into cellars and dens without ventilation or light, compared with which the wigwam of the Indian is a palace. Misery, famine, brutal degradation, in the neighbourhood and presence of stately mansions, which ring with gaiety and dazzle with pomp and unbounded profusion, shock us as no other wretchedness does; and this is not an accidental but an almost necessary effect of the spirit of aristocracy and the spirit of trade acting intensely together.

It is a striking fact, that the private charity of England, though almost incredible, makes little impression on this mass of misery, thus teaching the rich and titled to be "just before being generous," and not to look to private munificence as a remedy for the evils of selfish institutions.

Notwithstanding my admiration of the course of England in reference to slavery, I see as plainly as any the wrongs and miseries under which her lower classes groan. I do not on this account, however, subscribe to a doctrine very common in this country, that the poor Chartists of England are more to be pitied than our slaves. Ah, no. Misery is not slavery, and, were it greater than it is, would afford the slaveholder no warrant for trampling on the rights and the souls of his fellow creatures. The Chartist, depressed as he is, is not a slave. The blood would rush to his cheek, and the spirit of a man swell his emaciated form, at the suggestion of relieving his misery by reducing him to bondage; and this sensibility shows the immeasurable distance between him and the slave. He has rights and knows them. He pleads his own cause, and just and good men plead it for him. According to the best testimony, intelligence is spreading among the Chartists; so is temperance; so is self-restraint. They feel themselves to be men. Their wives and children do not belong to another. They meet together for free discussion, and their speeches are not wanting in strong sense and strong expression. Not a few among them have seized on the idea of the elevation of their class by a new intellectual and moral culture, and here is a living seed, the promise of immeasurable good. Shall such men, who aspire after a better lot, and among whom strong and generous spirits are springing up, be confounded with slaves, whose lot admits no change, who must not speak of wrongs or think of redress, whom it is a crime to teach to read, to whom even the Bible is a sealed book, who have no future, no hope on this side death?

I have spoken freely of England; yet I do not forget our debt or the debt of the world to her. She was the mother of our freedom. She has been the bulwark of protestantism. What nation has been more fruitful in great men, in men of genius? What nation can compare with her in munificence? What nation but must now acknowledge her unrivalled

greatness? That little island sways a wider empire than the Roman, and has a power of blessing mankind never before conferred on a people. Would to God she could learn, what nation never yet learned, so to use power, as to inspire confidence, not fear, so as to awaken a world's gratitude, not its jealousy and revenge!

But whatever be the claims of England or of any other State, I must cling to my own country with strong preference, and cling to it even now, in this dark day, this day of her humiliation, when she stands before the world branded, beyond the truth, with dishonesty, and, too truly, with the crime of resisting the progress of freedom on the earth. After all she has her glory. After all, in these free States, a man is still a Man. He knows his rights, he respects himself, and acknowledges the equal claim of his brother. We have order without the display of force. We have government without soldiers, spies, or the constant presence of coercion. The rights of thought, of speech, of the press, of conscience, of worship, are enjoyed to the full without violence or dangerous excess. We are even distinguished by kindness and good temper amidst this unbounded freedom. The individual is not lost in the mass, but has a consciousness of self-subsistence, and stands erect. That character which we call Manliness, is stamped on the multitude here as nowhere else. No aristocracy interferes with the natural relations of men to one another. No hierarchy weighs down the intellect, and makes the church a prison to the soul from which it ought to break every chain. I make no boast of my country's progress, marvellous as it has been. I feel deeply her defects. But in the language of Cowper, I can say to her,

" Yet being free I love thee ; for the sake
Of that one feature can be well content,
Disgraced as thou hast been, poor as thou art,
To seek no sublunary rest beside."

Our country is free ; this is its glory. How deeply to be lamented is it, that this glory is obscured by the presence of slavery in any part of our territory. The distant foreigner, to whom America is a point, and who communicates the taint of a part to the whole, hears with derision our boast of

liberty, and points with a sneer to our ministers in London, not ashamed to plead the rights of slavery before the civilized world. He ought to learn, that America, which shrinks in his mind into a narrow unity, is a league of sovereignties, stretching from the Bay of Fundy to the Gulf of Mexico, and destined, unless disunited, to spread from ocean to ocean; that a great majority of its citizens hold no slaves; that a vast proportion of its wealth, commerce, manufactures and arts, belongs to the wide region not blighted by this evil; that we of the free States cannot touch slavery, where it exists, with one of our fingers; that it exists without and against our will; and that our necessity is not our choice and crime.* Still the cloud hangs over us as a people, the only dark and menacing cloud. Can it not be dispersed? Will not the South, so alive to honour, so ardent and fearless, and containing so many elements of greatness, resolve on the destruction of what does not profit and cannot but degrade it? Must slavery still continue to exist, a firebrand at home and our shame abroad? Can we of the free States brook, that it should be thrust perpetually by our diplomacy on the notice of a reproving world? that it should become our distinction among the nations? that it should place us behind all? Can we endure, that it should control our public counsels, that it should threaten war, should threaten to assert its claims in the thunder of our artillery? Can we endure that our peace should be broken, our country exposed to invasion, our cities stormed, our fields ravaged, our prosperity withered, our progress arrested, our sons slain, our homes turned into deserts, not for rights, not for liberty, not for a cause which humanity smiles on and God will bless, but to rivet chains on fellow creatures, to extend the law of slavery throughout the earth? These are great questions for the free States. I must defer the answer of them to another time. The duties of the free States in relation to slavery deserve the most serious regard. Let us implore Him who was the God of our fathers, and who has shielded us in so many perils, to open our minds and hearts to what is true and just and good, to continue our union at home and our peace abroad, and to

* See NOTE C.

make our country a living witness to the blessings of freedom, of Reverence for Right on our own shores and in our intercourse with all nations.

NOTES.

A.

To the preceding remarks it is in vain to oppose the "comity of nations." England in her public acts having pronounced slavery unjust, pronounces also, that "comity" cannot prevail against justice. And is not this right and true? Can a nation be bound by comity to recognise within its borders, and to carry into effect, by its judicial or executive machinery, the laws of another country, which it holds to be violations of the law of nature or of God? Would not our own courts indignantly refuse to enforce a contract or relation between foreigners here, which, however valid in their own land where it was made, was contrary to our own institutions, or to the acknowledged precepts of morality and religion?

B.

"It is said, that this alleged interference by the British authorities was contrary to the comity of nations, and that therefore the British government is bound to indemnify the owners of the slaves. But indemnity for what? for their asserted property in these men? But that government does not recognise property in men. Suppose the slaves were dispersed by reason of its interference; yet the master and owners received no damage thereby, for they had no title to the slaves. Their property had ceased, when these men came under the benign influence of English law."

C.

I have spoken of the great majority in our country who have no participation whatever in slavery. Indeed it is little suspected at home, any more than abroad, how small is the number of slaveholders here. I learn from a judicious correspondent at the South, that the slaveholders in that region cannot be rated at more than three hundred thousand. Some make

them less. Supposing each of them to be the head of a family, and each family to consist of five members; then there will be one million five hundred thousand having a direct interest in slaves as property. This is about *one-eleventh* of the population of the United States. The three hundred thousand actual slaveholders are about a *fifty-sixth part* of our whole population. These govern the South entirely, by acting in concert, and by the confinement of the best education to their ranks; and, still more, to a considerable extent, they have governed the whole country. Their cry rises above all other sounds in the land. Few as they are, their voices well nigh drown the quiet reasonings and remonstrances of the North in the House of Representatives.





LIBRARY OF CONGRESS



0 011 839 198 6

